

REMARKS

Applicant appreciates the detailed examination evidenced by the Office Action mailed November 24, 2009 (hereinafter "Office Action"). Applicant respectfully submits that the pending claims are in condition for allowance for at least the reasons discussed herein.

The Section 103 Rejections

A. Claims 1-6, 9-13 and 16-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Publication No. 2003/0140238 to Turkboylari (hereinafter "Turkboylari") in view of United States Patent Publication No. 2004/0255141 to Hodder et al. (hereinafter "Hodder"). *See* Office Action, page 2. Applicant respectfully submits that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, independent Claim 1 recites:

A method of transferring data from a non-volatile memory to a working memory of an electronic data processing device, comprising:
 copying security data from the non-volatile memory to the working memory, wherein the security data is to be write-protected;
 activating a blocking function for the security data in the working memory, wherein activating is triggered by the copying being made to the working memory;
 monitoring all communication with the working memory; and
 blocking all write attempts to the copied security data stored in the working memory according to the blocking function, **wherein at least activating a blocking function, monitoring communication and blocking write attempts are performed independently of a central processing unit of the electronic data processing device, such that the central processing unit cannot manipulate the security data.**

Independent Claims 9 and 17 contain device and electronic data processing device recitations corresponding to the highlighted recitations of Claim 1. Applicant respectfully submits that at least the highlighted recitations of Claim 1 are neither disclosed nor suggested by the cited combination for at least the reasons discussed herein.

The Office Action admits that Turkboylari does not teach the highlighted recitation of Claim 1 set out above. *See* Office Action, page 3. However, the Office Action points to Hodder as providing the missing teachings. *See* Office Action, pages 3-4. In particular, the Office Action points to write-protection circuit 36 and the fiscal data memory 38 of Figure 2 of Hodder as providing the missing teachings. *See* Office Action, page 4. Hodder is directed to a fiscal data recorder that includes a protection circuit between the processing unit and the

memory to inhibit electronic tampering with the transaction data stored in the memory. *See* Hodder, Abstract. As discussed in the Summary of the Invention of Hodder:

[0012] The present invention provides a fiscal data recorder having a fiscal memory module for storing fiscal data in a secure manner. **The fiscal memory module comprises programmable memory and a write-protection circuit in a tamper-proof package.** The fiscal memory module is in communication with a main circuit board of the fiscal data recorder via a detachable cable which allows replacement of the fiscal memory module, alternate mounting of the module **as required by the tax authorities,** and coupling of the fiscal memory module to other devices **for security auditing purposes.**

[0013] To provide electronic security, data writes to the memory are first latched in the write-protection circuit. When a data write to the memory is attempted, **the write-protection circuit checks the target area of the memory to ensure that it has not been written to previously. If the target area of the memory is clear, the data is written to the memory at the specified address. If the target area of the memory has been written to previously, the write-protection circuit inhibits the data from being written to the memory and returns an error status to the controlling application.**

Hodder, paragraphs 12-13 (emphasis added). In other words, Hodder provides methods and systems that simplify a merchant's compliance with tax laws based on the sale of goods. *See* Hodder, paragraph 2. As discussed in the cited portion of Hodder, the teachings of Hodder simplify a merchant's compliance with the tax laws by providing a separate fiscal memory module (30) that stores the required tax information in a memory (38). This stored information in the memory (38) is protected from manipulation by the write-protection circuit (36). As discussed in the cited portion of Hodder, before information is written into the memory (38), the target area is checked to see if it is clear. If it is, the data is written to the target area, if it is not, storing of the data is inhibited and an error status is returned. Thus, Hodder teaches a secure memory for storage of fiscal data.

In stark contrast, Claim 1 recites "**wherein at least activating a blocking function, monitoring communication and blocking write attempts are performed independently of a central processing unit of the electronic data processing device, such that the central processing unit cannot manipulate the security data.**" Thus, according to Claim 1, all of these functions (activating, monitoring and blocking) are done independently of the central processing unit, not just independent storage of information as discussed in Hodder. Thus, nothing in Hodder discloses or suggests at least these recitations of Claim 1. The

Office Action admits that nothing in Turkboylari provides these teachings. *See* Office Action, page 3. Accordingly, since neither reference provides the teachings for the highlighted recitations of Claim 1, Applicant respectfully submits that independent Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least these reasons.

Applicant further submits that there is no motivation to combine the cited references as suggested in the Office Action. As discussed above, Hodder discusses a fiscal data recorder that simplifies a merchant's compliance with the tax laws. Turkboylari, on the other hand, discusses implementation of a secure computing environment using a secure bootloader, shadow memory and protected memory as stated in the title. These two applications have no overlapping teachings. The Office Action states "it would have been obvious...to modify the teaching of Turkboylari by including a stand-alone write-protection circuit based on the teachings of Hodder because this would improve the integrity of electronic data." *See* Office Action, page 4. Applicant respectfully submits that the Office cannot just locate random teachings in references and state that it would be obvious to combine these teachings to teach the recitations of Applicant's claims. The only motivation to combine these references is found in Applicant's disclosure, which is clearly improper. Accordingly, Applicant respectfully submits that Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least these additional reasons.

Finally, even if Turkboylari and Hodder were combined as suggested in the Office Action, the combination would teach the electronic device of Turkboylari with the fiscal data recorder of Hodder, not the recitations of Claim 1 for the reasons discussed above. Accordingly, Applicant respectfully submits that Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least these additional reasons.

As discussed above, independent Claims 9 and 17 contain similar recitations to the highlighted recitations of Claim 1. Accordingly, Applicant respectfully submits that independent Claims 9 and 17 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed above with respect to Claim 1.

As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant does not believe that it is necessary to argue the allowability of each dependent claim individually. Applicant does not necessarily concur

with the interpretation of these claims, or with the bases for rejection set forth in the Office Action. Applicant therefore reserves the right to address the patentability of these claims individually as necessary in the future.

B. Claims 7, 14 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turkboylari in view of Hodder and further in view of U.S. Patent No. 5,166,903 to Aichelmann, Jr. (hereinafter "Aichelmann"). *See* Office Action, page 8. As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant does not believe that it is necessary to argue the allowability of each dependent claim individually. Applicant does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Office Action. Applicant therefore reserves the right to address the patentability of these claims individually as necessary in the future.

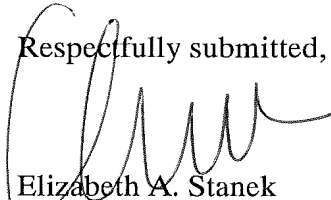
C. Claims 8, 15 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turkboylari in view of Hodder and further in view of U.S. Patent No. 4,574,350 to Starr (hereinafter "Starr"). *See* Office Action, page 9. As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant does not believe that it is necessary to argue the allowability of each dependent claim individually. Applicant does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Office Action. Applicant therefore reserves the right to address the patentability of these claims individually as necessary in the future.

CONCLUSION

As all of the claims are now in condition for allowance, Applicant respectfully requests allowance of the claims and passing of the application to issue in due course. Applicant urges the Examiner to contact Applicant's undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

In re: Sturla Lutnaes
Serial No.: 10/569,530
Filed: February 24, 2006
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Respectfully submitted,

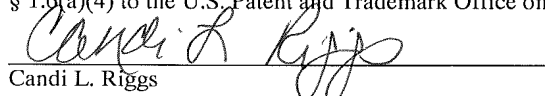


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 24, 2010.



Candi L. Riggs